



## Austin City Council MINUTES

MAY 26, 1994 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the presence of all of the Council.

### MINUTES APPROVED

1. Approval of Minutes for Regular Meetings of April 28, 1994 and May 19, 1994 and Special Meetings of April 28, May 12 and 19, 1994

Approved Minutes of Regular Meeting of May 19, 1994 and Special Meetings of April 28, May 12 and May 19, 1994, on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

### CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Max Kull, to discuss speed bump policy.
3. Ms. Portia Watson, to discuss lack of police cooperation concerning noise pollution and prostitution.  
Not present
4. Mr. Ricky Bird, to comment on upcoming election.
5. Mr. Mike Workman, to discuss future efforts for neighborhood election districts for the City Council.
6. Mr. Brent White, to ask Mayor Todd to give back the bribe money from Freeport McMoran and Center Marc, and to urge voters not to allow the Chamber of Commerce to "stack" the City Council.  
Not present
7. Mr. Roger Baker, to discuss matters arising.
8. Mr. Leonard Lyons, to discuss a speed bump on the information super highway.  
Not present
9. Col. David N. Elliott, to discuss Austin debt.
10. Mrs. Kim R. Augustin, to address the serious problem of violence among young people in the public schools.
11. Mr. Richard Trachtenberg, comments regarding the Mayor run-off between Bruce Todd and Daryl Slusher.

### ORDINANCES

12. Approve third reading of a rate ordinance for Austin Cablevision (ACV) that will establish maximum charges for Basic Services, installations and equipment charges; order refunds of payments from September 1, 1993 to the effective date of the

ordinance for these services; submit rate ordinances and staff report to the Federal Communications Commission (FCC) to support the City's complaint concerning Standard service rates. (This will result in a reduction of \$35,000 in franchise fee revenue.) [Recommended by Cable Commission and the Council Committee on Telecommunications Infrastructure]

Approved Ordinance No. 940526-H on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

13. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section A 16-4-5, Speed Limits, to adjust the existing speed zone on Spicewood Springs Road from 30 mph to 35 mph from Neeley Drive to Mesa Drive. (Funding in the amount of \$400 is available in the 1993-94 operating budget of the Public Works and Transportation Department.)  
Ordinance No. 940526A
14. Approve authorizing towing permit fees to be charged by the City of Austin, in connection with Article VI of Chapter 8-14 of the Code of the City of Austin, 1994, as amended. (This will result in a \$6,804 increase in revenue to the 1993-94 General Fund.)  
Ordinance No. 940526-B
15. Amend Ordinance No. 940509-A, ordering the runoff election of June 4, 1994, by changing the location of the Central Counting Station from Palmer Auditorium to the City Coliseum.  
Ordinance No. 940526-C

Items 13-15 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

16. Amend Chapter 18-4, Section 280 of the City Code, by authorizing the Director of the Water and Wastewater Utility to use City funds to relocate customer's service lines in those cases where it is determined that funding the relocation would promote efficient operation of the Utility. (Funding in the amount of \$70,000 was included in the 1993-94 Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)

Approved Ordinance No. 940526-I on Councilmember Goodman's motion, Councilmember Shea's second, 6-0 vote.

17. Authorize application and acceptance of \$239,023 in grant funds from the Austin Downtown Management Organization for the Downtown Rangers Program; amend Ordinance No. 930915-A, the 1993-94 operating budget; amending the Special Revenue Fund for the Police Department by appropriating \$239,023 in grant funds and transferring \$34,360 from the 1993-94 operating budget of the Police Department, increasing total appropriations by \$273,383; authorize 13 full-time equivalents (FTEs) (19 total new positions, seven of which are full-time and twelve which are part-time employees). (Funding in the amount of \$239,023 is available from the Downtown Management Organization; funding in the amount of \$34,360 is available in the 1993-94 operating budget for the Police Department.)  
Ordinance No. 940526-D

18. Amend Ordinance No. 930915-A, the 1993-94 operating budget for the General Fund by transferring \$100,000 from the General Fund Ending Balance to the Health and Human Services Department for a summer youth program.  
Ordinance No. 940526-E

#### RESOLUTIONS

19. Ratify amendments to the City's contract with KPMG PEAT MARWICK, Austin, Texas, in the amount of \$32,500 for the completion of the audit of the financial statements of Brackenridge Hospital, and amend the contract by a total of \$31,780 to include the preparation of a cost allocation study of the Utility Customer Service Office (\$18,500) audit and tax services for the Austin Housing Finance Corporation (AHFC) and related partnerships (\$13,280) for a total contract amount of \$768,799.50. The cost allocation study of UCSO will be used to allocate UCSO's costs to the Utility, Solid Waste, Drainage and Transportation Funds as recommended by the consumer rate consultant. (Funding in the amount of \$32,500 is available in the 1993-94 operating budget of Brackenridge Hospital; funding for \$18,500 is available in the 1993-94 operating budget of Utility Customer Service; funding for \$13,280 is available in the AHFC operating budget; funding for \$11,660 is available in the CDBG Commercial Management Program Fund.)  
Approved
20. Approve execution of a contract with HUF COR, INC., Janesville, Wisconsin, for the purchase and installation of partitions and doors in Palmer Auditorium, in the amount of \$142,987. (Funding was included in the 1991-92 Capital budget of the Austin Convention Center Department.) Low bid of two (2). 6.5% MBE, 0% WBE Subcontractor participation.  
Approved
21. Approve execution of a contract with HENDRIX GMC TRUCKS, INC., Austin, Texas, for the purchase of two (2) refuse trucks for the Solid Waste Services Division of the Environmental and Conservation Services Department, in an amount not to exceed \$93,523.20. (Funding was included in the 1993-94 Capital budget of Solid Waste Services.) Low bid of two (2). No MBE/WBE Subcontracting opportunities were identified.  
Approved
22. Approve execution of a contract with LONGHORN INTERNATIONAL EQUIPMENT, INC., Austin, Texas, for the purchase of forty (40) heavy truck cabs and chassis for use by the Department of Public Works and Transportation, Environmental and Conservation Services and the Water and Wastewater Utility, in an amount not to exceed \$1,494,263. (Funding in the amount of \$416,526 is available in the 1993-94 operating budget of Street and Bridge; \$569,365 was included in the 1993-94 capital budget of the Water and Wastewater Utility, and \$59,311 is available in the 1993-94 operating budget of the Water and Wastewater Utility; \$249,888 is available in the 1993-94 operating budget of Solid Waste Services, and \$199,173 was included in the 1993-94 capital budget of Solid Waste Services.) Low bid of four (4) meeting specifications. No M/WBE Subcontracting opportunities were  
Approved

23. Approve execution of a contract with LODAL, INC., Kingsford, Michigan, for the purchase of nine (9) recycling trucks, in an amount not to exceed \$924,143.04. (Funding in the amount of \$308,047.68 is available in the 1993-94 Capital Budget of Solid Waste Services; \$616,095.36 is available in the 1993-94 operating budget of Solid Waste Services.) Single bid. No M/WBE Subcontracting opportunities were identified.  
Approved
24. Approve negotiation and execution of Wholesale Water contract to provide short-term water service to City of Cedar Park for the summer of 1994 and the summer of 1995. (The Utility would receive approximately \$430,000 of additional water revenue for the two year period.) [Recommended by the Water and Wastewater Commission]  
Approved
25. Approve Change Order No. 4 to GOLF WORKS, INC., Austin, Texas, for improvements/adjustments at the new 18-hole golf course adjacent to Jimmy Clay Golf Course, in the amount of \$97,180 for a total contract amount of \$3,314,408.50. (Funding was included in the 1993-94 Capital budget of the Parks and Recreation Department.) 0% MBE, 9.70% WBE Subcontractor participation.  
Approved
26. Approve Change Order No. 16 to PELZEL & ASSOCIATES, INC., (M/WBE), Austin, Texas, for price adjustments in the costs of the vehicle maintenance equipment, plumbing fixtures and electrical portion of the work for the St. Elmo Vehicle Maintenance Facility, in the amount of \$33,000, for a total contract amount of \$1,912,845.45. (Funding was included in the 1993-94 Capital budget of the Electric Utility.)  
Approved
27. Approve a construction contract award to AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, for reconstruction of failed pavement and curbs and gutters, and for asphalt overlay and accessibility improvements on Hart Lane in the amount of \$168,290. (Funding provided by Capital Metro's Build Austin Program: \$163,355 was included in the 1993-94 Capital budget of the Public Works and Transportation Department; \$4,935 was included in the 1991-92 Capital budget of the Water Utility.) Low bid of four (4). 27.7% DBE Subcontractor participation: 21.2% MBE, 6.5% WBE (Recommended by the Water and Wastewater Commission)  
Approved
28. Approve the selection of BUDD BEETS HARDEN & KOLFLAT, ARCHITECTS, Austin, Texas, for negotiation and execution of a contract to provide professional architectural services for the Water and Wastewater Utility Service Center Relocation to 3907 South Industrial Drive, and Service Center Modification at 3616 South First Street, in the amount of \$270,000. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Best qualification statement of twenty-one (21). 18% MBE, 7% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission)  
Approved

29. Approve a construction contract award to AUS-TEX PLUMBING-HEATING-AIR CONDITIONING, INC., Pflugerville, Texas, for heating, air conditioning, roofing and interior renovations at the Rosewood/Zaragoza Neighborhood Center, 2802 Webberville Road, in the amount of \$743,953. (Funding was included in the 1992-93 Capital budget of the Public Works and Transportation Department.) Low bid of two (2). 13.56% MBE, 5.5% WBE Subcontractor participation.  
Approved
30. Approve the selection of JOSE I. GUERRA, INC., (MBE), Austin, Texas, for Phase I (preliminary engineering) of a three phase professional services agreement for engineering and associated services for the Center Street Reservoir Improvements Project, in the estimated amount of \$200,000. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Best qualification statement of six (6). 10% MBE, 5% WBE Subconsultant Participation.  
Approved
31. Approve the execution of a contract with TEXAS DEPARTMENT OF INFORMATION RESOURCES, Austin, Texas, in a total amount not to exceed \$1,020,370 for the procurement of computer software in the amount of \$328,272, notebook computers in the amount of \$422,999, laser printers in the amount of \$219,842 and other computer components and supplies in the amount of \$49,257. (Funding is available in the 1993-94 operating budget for the Convention Center \$2,397, Aviation \$15,023, the Electric Utility Department \$39,660, Environmental and Conservation Services Department \$66,536, Support Services Fund \$146,907, General Fund Departments \$158,937, Internal Services Funds \$29,401, the ACVB Special Revenue Fund \$188, the Federally Qualified Health Center Special Revenue Fund \$6,500 and the Library Special Revenue Fund \$74,946. Funding for the Electric Utility \$273,490, Water and Wastewater Utility \$174,481, the Law Department \$29,832 and the Public Information Office Department \$2,072 was included in the 1993-94 Capital budget.)  
Approved
32. Approve modification of a contract with TEXAS DEPARTMENT OF INFORMATION RESOURCES, Austin, Texas, for the purchase of an additional one hundred fifty-three (153) personal computer workstations for several City departments to increase the original contract by an estimated amount not to exceed \$463,081 for a estimated total amount not to exceed \$1,608,101. (Funding is available in the 1993-94 operating budget for Aviation \$19,376, the Environmental and Conservation Services Department \$38,233, Utility Customer Service Office \$8,020, Support Services Fund \$157,386, General Fund Departments \$115,257 and the Library Special Revenue Fund \$6,399. Funding for the Public Information Office \$25,579, Water and Wastewater Utility \$82,488, and Law Department \$10,343 was included in the 1993-94 Capital budget.)  
Approved

33. Approve execution of a twelve (12) month contract with HOBBS GROUP, INC. and the ARKWRIGHT INSURANCE COMPANY, The Woodlands, Texas, for property insurance and loss prevention services for City facilities in an amount not to exceed \$1,381,000 with two (2) twelve (12) month extension options in an estimated amount of \$1,381,000 for the first option year and \$1,381,000 for the second option year for a total amount of \$4,143,000. (Funding in the amount of \$460,333 is available in the 1993-94 operating budgets of various City departments. Funding for the remaining months of the original contract and extension options will be contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.  
Approved
34. Approve execution of a twelve (12) month contract with HOBBS GROUP, INC. and ARKWRIGHT INSURANCE COMPANY, The Woodlands, Texas, for boiler and machinery insurance and loss prevention services for City facilities in an amount not to exceed \$454,000 with two (2) twelve (12) month extension options in an estimated amount of \$454,000 for the first option year and \$454,000 for the second option year for a total amount of \$1,362,300. (Funding in the amount of \$151,334 is available in the 1993-94 operating budget of various City departments. Funding for the remaining months of the original contract and extension options will be contingent upon available funding in future budgets. Low bid of three (3) meeting specifications. No M/WBE Subcontracting opportunities were identified.  
Approved
35. Ratify payment of \$290,000 and approve an additional \$88,000 increase and a contract extension with AUSTIN PATHOLOGY ASSOCIATES, Austin, Texas, for Pathology Laboratory Services, for a total contract amount of \$2,196,000. (Funding is available in the 1993-94 General Fund operating budget of the Health and Human Services Department.)  
Approved
36. Ratify payment of \$175,000 and approve an additional \$25,000 increase and a contract extension with NATIONAL HEALTH LABORATORIES, San Antonio, Texas, for Reference Pathology Laboratory Services, for a total contract amount of \$200,000. (Funding is available in the 1993-94 Federally Qualified Health Center (FQHC) Fund operating budget and the 1993-94 Special Revenue Fund for the Health and Human Services Department.  
Approved
37. Authorize letter of intent and application for \$300,000 in grant funds from the National Endowment for the Arts to provide technical assistance to artists and arts organizations for a three (3) year period. [Funding for the City's match of this grant will be \$300,000 (\$100,000 each year from Fiscal Year 1995-96 through 1997-98). 60% of this funding (\$60,000 annually) will come from the General Fund and 40% of the funding (\$40,000 annually) will come from the Cultural Arts Fund. Funding is contingent upon approval in future budgets.]  
Approved

Items 17-37 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

38. Approve the re-negotiation and execution of the License Agreement with Austin Aqua Festival.

Councilmember Goodman moved that the Council approve a one-year agreement with the following rates: \$3,000 per event day, \$1,500 per non-event day closed. Mayor Pro Tem Nofziger seconded the motion.

Friendly Amendment - Accepted

Councilmember Garcia offered a friendly amendment that the Parks Board develop a policy regarding the use of parkland. The friendly amendment was accepted.

Friendly Amendment - Accepted

Mayor Todd offered a friendly amendment that rates for non-event days open to the public be set at \$250 per day. The friendly amendment was accepted.

Mayor Todd suggested as part of the motion that a meeting be held by the staff with the promoters and the neighborhood representatives as part of the project at the end of 60 days, and before it came back to the Council. The maker of the motion accepted the recommendation.

Roll Call on Motion

Roll call on the motion showed a 5-0 vote, Councilmember Shea out of the room at roll call.

39. Authorize a loan in the amount of \$1,040,000 in HOME Year 2 funds to the Austin Housing Finance Corporation, and execution of an agreement to develop and construct the Scattered Cooperative Infill Housing Program - Phase 3 (SCIP 3), in the East 2nd and Tillery Street area. (Funding is available in the Special Revenue Fund for the HOME Year 2 Program of the Planning and Development Department.)

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

3:30 P.M. BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Items 40-41 are AHFC agenda items to be considered by the Austin Housing Finance Corporation's Board of Directors.

40. Approve Minutes of April 7, 1994 meeting.
41. Approve acceptance of a loan in the amount of \$1,040,000 in HOME Year 2 funds from the City of Austin, and enter into an agreement to develop and construct the Scattered Cooperative Infill Housing Program - Phase 3 (SCIP 3) and amend the 1993-94 Austin Housing Finance Corporation budget. (Funding is available in the Special Revenue Fund for the HOME Year 2 Program of the Planning and Development Department.)

#### ITEMS FROM COUNCIL

42. Declare June 4, 1994 as Barton Creek/Barton Springs Day, and approve an ordinance waiving admission fees to Barton Springs Pool for June 4, 1994. (Mayor Pro Tem Michael "Max" Nofziger and Councilmember Brigid Shea)  
Ordinance No. 940526-F
43. Approve a resolution directing the Airport Advisory Board to use the recommendations of the new Airport Terminal Task Force as guidance in making recommendations concerning the design and operation of the new Austin Airport, and directing the City Manager to prepare corresponding new airport operating budget recommendations. (Mayor Pro Tem Michael "Max" Nofziger) [Related to Item 44]  
Approved
44. Approve an ordinance adding four (4) members to the Airport Advisory Board for a specified term to assist in making recommendations for the New Austin Airport. (Mayor Pro Tem Michael "Max" Nofziger) [Related to Item 43]  
Ordinance No. 940526-G

Items 42-44 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote. Approved

#### 4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

45. C14-93-0111 - John J. Stokes (Beth Wawak), by Conley Engineering, Inc. (Carl Conley), 705-707 Woodward Street. From LR to MF-3. PLANNING COMMISSION RECOMMENDATION: To Deny MF-3-CO, Multifamily Residence (medium density)-Conditional Overlay, zoning.

Close public hearing on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Shea absent.

#### Motion

Grant staff recommendation of MF-3-CO on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second.

#### Friendly Amendment - Accepted

Councilmember Goodman offered a friendly amendment that the project be designed to allow joint access with adjacent property owners to channel traffic directly to IH-35 and to Ben White Blvd. The friendly amendment was accepted.

The issue of ponding was discussed, and it was agreed that the issue would be reviewed during the site plan stage.

#### Roll Call on Motion

Roll Call on the amended motion showed a 5-0 vote, Councilmember Shea out of the room at roll call.



46. C14-94-0040 - TEXAS COMMERCE BANK (Scott W. Krieger), by Site Specifics (Bobbie Jo Cornelius), 10614 Research Boulevard. From GO & GR-CO to GR. PLANNING COMMISSION RECOMMENDATION: To Grant GR-CO, Community Commercial-Conditional Overlay, limiting development as follows: (1) General Retail Sales - 12,662 sq. ft., (2) Restaurant (fast food, drive-in) - 2,665 sq. ft., (3) Restaurant (general) - 9,950 sq. ft., (4) Food Sales - 2,665 sq. ft., and (5) Financial Services - 7,331 sq. ft. Applicant has agreed to participate in the Integrated Pest Management Program.

Approved 1st Reading on Councilmember Goodman's motion, Councilmember Reynolds' second, 4-0-1 vote, Councilmember Garcia abstained, Councilmember Shea absent.

47. C14-94-0038 - HAROLD C. ANDERSON, by Security Knowledge Center (Sammy Langford), 6604 Berkman Drive. From SF-3 to GR.

Postponed to June 23, 1994, on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Shea absent.

#### PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

48. 4:30 P.M. - Public hearing to approve the construction of a permanent and subsurface lift station relief interceptor through .06 acres of dedicated parkland known as Walsh Boat Landing in accordance with Chapter 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by the Parks Board and Water and Wastewater Commission)

Close public hearing on Councilmember Garcia's motion, Councilmember Goodman's second, 4-0 vote, Mayor Pro Tem Nofziger out of the room, Councilmember Shea absent.

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Shea absent.

49. 6:00 P.M. - Public hearing to gather citizen input on community needs to be addressed by projects funded under the 20th Year (Fiscal year 1994-95) Community Development Block Grant (CDBG) Entitlement Program.

Close public hearing on Councilmember Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmember Reynolds out of the room, Councilmember Shea absent.

#### EXECUTIVE SESSION (No Public Discussion on These Items)

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

50. Discuss status of Jerry J. Quick, et al v. City of Austin, Cause No. 92-0637, in the 22nd District Court of Hays County, Texas.
51. Discuss City of San Antonio, Texas et al v. Westinghouse Electric Corporation, Cause No. 90-5-00684-C, in the 23rd District Court of Matagorda County, Texas.
52. Discuss Houston Lighting and Power Company v. City of San Antonio, et al, Cause No. 88-923-E, in the 101st District Court of Dallas County, Texas.
53. Discuss The City of Austin v. Houston Lighting and Power Company, Cause No. 94-007946, in the 14th District Court of Harris County, Texas.

#### ACTION ON THE FOLLOWING

54. Authorize an amendment to the professional services agreement with Hilgers & Watkins, L.L.P., for representation in Jerry J. Quick, et al. v. City of Austin, and Maple Run M.U.D. v. City of Austin.  
Approved
55. Authorize entering into an amendment to an existing agreement with Shaw, Pittman, Potts and Trowbridge for legal services and representation of the City of Austin in matters regarding the South Texas Project.  
Approved
56. Authorize execution of an agreement with Egan & Associates, P.C. to provide legal services and representation to the City of Austin on matters regarding the South Texas Project for a one-year period, with an option on behalf of the City to renew for another one-year period.  
Approved

Items 54-56 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

#### 57. APPOINTMENTS

ARTS AND RECREATION SUBCOMMITTEE - Albert Valle

Approved on Councilmember Garcia's motion, Mayor Todd's second, 4-0 vote, Councilmember Reynolds out of the room, Councilmember Shea absent.

ADJOURN at 6:55 p.m. on Councilmember Goodman's motion, Councilmember Garcia's second, 4-0 vote, Councilmember Reynolds out of the room, Councilmember Shea absent.

Approved on the 16<sup>th</sup> day of June, 1994, with correction to:

Item 7, Citizen was not present

Item 41, should show 5-0 vote, Councilmember Shea absent

Item 45, as being approved for 1st reading only on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.